

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION
February 4 & 5, 2003
Sacramento, California

BOARD MEMBERS PRESENT :

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
Mark Bosetti
Susan Britting
Robert Heald
Tharon O'Dell
Gary Rynearson

MEMBER (S) ABSENT :

David Nawi

BOARD STAFF PRESENT :

Daniel R. Sendek, Executive Officer
George Gentry
Executive Officer, Foresters Licensing
Donna Stadler, Executive Assistant
Jim Mote, Regulations Coordinator

DEPARTMENTAL STAFF PRESENT :

Andrea Tuttle, Director
Ross Johnson, Deputy Director
Resource Management

CALL TO ORDER

Chairman Dixon called the February 2003 meeting of the Board of Forestry and Fire Protection to order.

REPORT OF THE CHAIRMAN

Chairman Dixon commented that during the past several months he met with representatives from the Senate Rules Committee and others that are interested in resource issues. It was made clear that there are things that this Board needs to accomplish. The Board needs to make a strong effort to improve communications with the Legislature, and more importantly, consider the issues of the citizens of this state; such as clear-cutting, loss of oak woodlands, old growth issues, and the electronic filing of THPs. He asked that the Board establish those four issues as priorities, and committee chairs consider their needs for 2003. It is the Board's responsibility to deal with these issues.

REPORT OF THE DIRECTOR

Ms. Andrea Tuttle, Director, introduced Mary Nichols, Secretary of the Resources Agency, Bob Wolf, President of the CDF Fire Fighters Union (CDFFF), and Steve Hartman, Vice President of CDFFF.

Ms. Nichols commented that she was there to report on Agency activities and request the Board's involvement and collaboration for improved communication. The Resources Agency, sometimes on short time lines, files comments on federal actions affecting forests in California. The Agency does it because it is their mandate to collect responses and provide the Agency's own policy overview. She provided some background as to the responsibilities of the Resources Agency. She hopes to get comments from the Board as to whether all the issues are being addressed. The Agency had to file its comments by January 30, 2003, on the recently announced Healthy Forest Initiative by the Bush Administration. A portion of the comments by the Agency related to a categorical exemption from the National Environmental Policy Act (NEPA) regarding fire and fuel reduction issues. She referred to her letter and reviewed the categories for the Board. The Agency is concerned that the Initiative was developed without input from states, and is asking that a task force be formed to develop projects and initiatives under the rubric of the Healthy Forest Initiative. She commented that the Agency is not opposed to all proposals in the initiative; however, there is a process concern. In addition to arguing these things out at a high level, there is a need to be searching for a place to do experiments on the ground. The Agency has some concerns about the way the Administration has some blanket assumptions regarding fuel treatments and the thinning of forests. She commented that the Agency does not have direct jurisdiction over these lands, but shares an interest and some jurisdictions particularly over the plants and animals in the forests and fire management. The Regional Forester, Jack Blackwell, has invited Ms. Nichols to speak with the Regional Foresters later this month. It is important to keep the dialog going and to be on record where there are concerns regarding things that are happening on federal lands that could have a serious impact in California. She expressed hopes that the Agency will receive input from the Board.

Ms. Britting expressed appreciation for the Agency's involvement in that process. She wanted to know if the Agency was involved in the Sequoia Monument project.

Ms. Nichols said that it is one of the issues that the Agency will be filing comments on. The Agency is aware of the proposals and will be working with the science staff of various departments in putting collective comments together.

Director Tuttle provided the Board with an update on the budget and the reductions to the Department. The Department is dealing with a 1.7 million dollar cut. All departments were asked to come up with possible areas to sacrifice. CDF has kept all of its stations and fire fighters, most of the support personnel as well as all air tankers and its CAD system. She commented that the Ukiah Airbase could be closed without reducing CDF's initial attack efforts and the tankers could be moved from Porterville to Fresno. This issue is in the Legislature now. She indicated that both the Assembly and the Senate have restored the airbase funds. However, CDF is concerned that might require the Department to take cuts someplace else.

Director Tuttle provided a summary of the Senate hearing on old growth. She referred to her letter in the Board's packet regarding her testimony during the hearing. There is a task force being formed to address the loss of old growth during the "January storms" in Humboldt County. She then reviewed her testimony for the Board.

Director Tuttle referred to the draft MOU between the Department and the State Water Resources Control Board in the Board's packet and reviewed each step with them. It is not a final document because of the issue of underground regulations. One topic is that each acknowledges each other's body of law. There is a conflict resolution process so that conflicts can be resolved as quickly as possible avoiding a Head of Agency Appeal. There is also a mechanism for monitoring issues to deal with all of the different types of monitoring. She continued to review the draft MOU for the Board. She commented that the goal is to harmonize and bring peace within the timber country and with the water boards.

Director Tuttle commented on the New Castle Disease and the Fresno Fire Incident Command Center. There are over 100,000 cubic yards of recyclables that are burning in Fresno, which creates toxic and air quality issues. The Office of Emergency Services has brought CDF in due to its experiences with the Incident Command Center.

Director Tuttle provided an update on the Weather Stations. San Bernardino is currently 94 degrees with windy and dry conditions. CDF's tankers and pilots are prepared so that they can respond quickly, if needed. In Southern portion of the state, there is no end to fire season.

Director Tuttle provided an update on her Lake Arrowhead trip with Deputy Director Jim Wright looking at the bug and drought killed trees. She provided pictures of the area for the Board. The focus is on evacuation planning and how to get people out of that area safely. She believes that there may be a need for Legislation and perhaps Board involvement. The Department will provide options for the Board at its next meeting for ways it might provide help. She noted that in October 2003, there would be an International Conference in Australia regarding the confluence of Eucalyptus resulting from many mudslides. She will keep the Board up to date on that issue.

Mr. Bob Wolf, President of the CDF Fire Fighters Union (CDFFU), commented that the Board of Forestry and Fire Protection is the CDFFU's governing body and it has a responsibility to attend Board meetings and get to know its membership. He expressed an interest in learning more about the issues before the Board.

Mr. Marckwald wanted to know whose responsibility it is to evacuate people from Lake Arrowhead in case of an emergency.

Director Tuttle commented that the ICS has been set up. There is also the Mountain Air Safety Task Force (MASF) in unified command with CDF, Forest Service, County Sheriff, County Fire, Cal Trans, and County Road Departments. There is also a liaison group for the many local communities for public education and evacuation, which is the first priority.

Mr. Ryneason wanted to know how much of the affected area is on Forest Service lands and how much on private small parcels.

Director Tuttle commented that she did not have that information, but would provide it to the Board.

Chairman Dixon suggested that they look at the Sudden Oak Death (SOD) affected counties for guidance.

Director Tuttle commented that they did look to the SOD Task Force and its guidelines and are using it as a model.

Mr. Bosetti noted that the State Responsibility Area lands involved fall under federal direct protection responsibility.

REPORT OF THE OAK MORTALITY TASK FORCE

Mr. Mark Stanley, California Oak Mortality Task Force Chair (COMTF), reviewed the COMTF report in the Board's binder for the members. At this time, there are two new affected species to report; the Canyon Live Oak and Western Star Flower.

Mr. Stanley reported that last week while he was in Monterey, the Forest Service held a National Forest Health Monitoring meeting and half of the day was spent on Sudden Oak Death (SOD). It was a great presentation. The COMTF presented the group with the SOD 2002 monitoring efforts and received input from the experts on the 2003 plan. There was a lot of great input. He commented that the COMTF is planning three training sessions on "*Recognition, Sampling, and Regulations for Phytophthora ramorum*." The Sessions are tentatively scheduled for March 19, 2003, in the Southern Region; April 30, 2003, in the Northern Region; and May 28, 2003, in the Bay Area. There will be an on-line International Sudden Oak Death Discussion Symposium on April 21 through May 4, 2003, at: <http://sod.apsnet.org>. He noted that the global on-line Symposium is free and open to anyone interested in participating.

Mr. Stanley noted that the next full COMTF meeting is scheduled for Thursday, May 29, 2003, in Napa County. Other dates to remember are: March 19, 2003, training session in the southern SOD region; April 30, 2003, training session in the northern SOD region; April 21 through May 4, 2003, SOD International Online Discussion; May 28, 2003, training session in the central SOD region; and June 28 through 29, 2003, Jepson Herbarium weekend workshop.

APPROVAL OF MINUTES

Chairman Dixon asked for Board approval of the January minutes.

03-02-1 Mr. O'Dell moved to approve the January 2003 minutes as amended. Mr. Bosetti seconded the motion, and all were in favor.

REPORT OF FEDERAL AGENCIES INCLUDING USDA FOREST SERVICE, NATIONAL MARINE FISHERIES SERVICE, US FISH & WILDLIFE SERVICE AND US ENVIRONMENTAL PROTECTION AGENCY

There was no report this month.

PRESENTATION OF THE GOLDEN TROWEL AWARD RECOGNIZING EXCELLENCE IN ARCHEOLOGICAL SITE STEWARDSHIP IN FORESTRY PROJECTS

Mr. Daniel Foster, CDF, Resource Management Archaeology, provided the Board with a Power Point presentation focusing on the background of the Golden Trowel Award and the achievements of this year's recipient, Jack Ringer, Fire Captain with the Kern County Fire Department. The Golden Trowel Award recognizes excellence in archaeological site stewardship. CDF and the Board present this award jointly once a year. The Board of Forestry has certified an archaeological training program that has become recognized as one of the most successful of its type in the country. The first class was held in 1982 and CDF has since conducted 82 classes. The most representative of archaeological resources CDF is mandated to protect include; Native American villages, campsites, quarries, rock art panels, hunting blinds, trails, ceremonial locations, sacred sites, food-processing stations, and historic-era sites.

Mr. Foster provided the personal background of Mr. Ringer and reviewed his accomplishments for the Board. Chairman Dixon and Mr. Foster presented this year's Golden Trowel Award to Jack Ringer for his outstanding work in support of VMP projects throughout Kern County in his capacity as the County's VMP Coordinator.

Mr. Ringer thanked the Board and CDF for the award and the honor.

REVIEW AND DISCUSSION OF THE BOARD'S TASKS AND GOALS FOR 2003, INCLUDING REGULATORY PRIORITIES, POLICY REVIEW AND REVISION, AND THE FOCUS AND COMPOSITION OF THE BOARD'S STANDING COMMITTEES

Chairman Dixon commented that the Board would discuss its meetings and locations for the year. He asked Member Marckwald to bring the Board up-to-date on this item.

Mr. Marckwald noted that the list in the Board's binder is the original list of objectives from the October 2002 meeting. The idea was to create a list given the fact that the Board's workload increases by the end of the year. Also, if there were a sense from the Board of what the highest priorities were, the committee process would then move along. He expressed concerns about taking on more than could be achieved.

Mr. O'Dell commented that he divided the list into policy vs. technical issues. It seems there are more policy issues. He suggested putting them into high, medium, and low categories.

Mr. Marckwald commented that the roads package would take more time.

Mr. O'Dell believes that committee dialog could be effectively directed toward some of these issues.

Chairman Dixon expressed his concern that the Board is expected to cancel one meeting and move one out of town meeting back to Sacramento. This would leave eight meetings for the balance of this calendar year. These are some significant restraints.

Mr. O'Dell wanted to know about the possibility of teleconferences.

Chairman Dixon did not believe that would be possible due to public involvement.

Mr. O'Dell wanted to know if it would be possible to hold the executive session via teleconference.

Mr. Bruce Reeves, Deputy Attorney General and Counsel to the Board, commented that if the executive session was publicly noticed it could be done via teleconference. He indicated that in conjunction with a telephonic public meeting would be the ideal way to do it.

Mr. Heald commented that the Committee could define issues in one meeting and take to Board for review and direction.

Mr. Marckwald believes that there is a need for the Board to give Committees guidance up front. There are too many things on this list to get through. He supported shortening the list.

Ms. Britting commented that she supports the concept of setting goals and issues to be dealt with. She believes there is a need to involve "sister agencies" into the process.

Mr. Bosetti commented that there is a need to focus on a more disciplined path for rulemaking. He does not believe that enough time is spent on policy implications.

Mr. Ryneason believes that there is a need to refine rules in Committee rather than doing repetitive notices. He commented that the Committee agenda is not always its own.

Mr. Heald commented that the Board could say that the Committee needs to have this issue framed more concisely and then bring it back to the Board.

Chairman Dixon believes that by reviewing issues that come before the Board in more depth, before sending them to Committee, would make Committees more efficient.

Mr. Marckwald commented that perhaps the Department could frame some of these for the Board.

Ms. Britting supported tighter timeframes and the need to look at a second and third year plan.

Chairman Dixon expressed frustration over the timing issue and the heavy workload.

Mr. Ryneason commented that there is a need to identify two or three items for committee and move forward, to get to a point where it says that the discussion is over and move on.

Mr. Heald commented that he does not believe having a field trip in August would be productive. He believes that it is important to spend whole days in Committee.

Chairman Dixon commented that one of the issues before the Board is the Roads Management package. The Administration, Legislature, and the people of California may differ on issues with the Board; if we don't take action, someone else will. He noted that he made a commitment to the Legislature that he would bring these issue to the Board. He believes that it may be necessary to redefine the process of how issues come to the Board.

Mr. Marckwald commented that there is still a need to deal with the Threatened and Impaired and the IWMA rules.

Chairman Dixon suggested that the Department report back to the Board on the T&I and the IWMA rules.

Mr. Bosetti does not believe that it is necessary to get rules done by October.

Ms. Britting believes that some items on the list could be grouped. She expressed concern regarding the Board's relationship with other boards and policy-making agencies. There seems to be a lot of tension regarding water and timber issues.

Mr. Rynearson believes that more committees would be the most efficient way to go.

Mr. Heald commented that there was a need to go to a concurrent committee meeting structure.

Chairman Dixon believes that the Board needs to meet either three days a month or twelve months out of the year. He asked staff to draft a letter for his signature stating that the Board will take an out of town meeting and bring it back to Sacramento, but cannot conduct the Board's business with ten meetings per year.

There was some further discussion.

Chairman Dixon commented that he would meet with the Executive Officer and work out a tentative schedule for Board discussion.

REPORT OF EXECUTIVE SESSION

Chairman Dixon commented that the Board met in Executive Session and asked the Board's Counsel to comment.

Mr. Bruce Reeves, Deputy Attorney General and Counsel to the Board, commented that in Executive Session, he reported on various litigation items that are pending against the Board. The two Campaign to Restore Jackson State Redwood Forest cases, the matter of Bareilles vs. the State Board of Forestry and Fire Protection; the Gualala Redwoods, Inc. vs. the State Board and Fire Protection; and the Environmental Protection Information Center vs. the State Board of Forestry and Fire Protection. He reported that regarding the decision in the Administrative matter of the Department vs. Perry Cockshott, the Board decided under CCR §11517 (c) 2 (e) to reject the decision and make its own decision on the record.

Mr. George Gentry, Executive Officer for Licensing, reported that the Board considered and approved the request for full reinstatement by Stephen Horner, RPF 2441 effective February 28, 2003.

REVIEW AND CONSIDERATION OF COUNTY ACTION PLANS ADDRESSING SUDDEN OAK DEATH HAZARD TREE REMOVAL AND DISPOSITION

Chairman Dixon announced that there was nothing new to report this month.

ELECTION OF BOARD VICE CHAIRMAN

Chairman Dixon noted that it is the responsibility of the Board to appoint a Vice Chairman at its second meeting of each calendar year. He then asked for nominations.

03-02-2 Mr. Rynearson moved to reappoint Member Marckwald as Vice Chairman. Mr. Heald seconded the motion, and all were in favor.

PRESENTATION BY THE DEPARTMENT ON EXISTING AND PROPOSED MECHANISMS FOR MAINTAINING OPEN PUBLIC CONTACT REGARDING MANAGEMENT OF THE JACKSON DEMONSTRATION STATE FOREST

Mr. Ross Johnson, Deputy Director for Resource Management, commented that at this time, the Department has nothing to present to the Board. The Department has a draft report that it will provide for the Board and

the public will have the report in March. He indicated that there were a number of new initiatives that the Department wants to finalize and will report back to the Board.

Ms. Britting wanted to know if the Department was aware of the JDSF Advisory Citizens Committee and if they are included in the outreach program.

Mr. Johnson replied that they were.

Public comment

Mr. Bill Hiel, representing Mendocino Micro-Millers, provided background on Micro-Millers. He commented that the new Management Plan for JDSF still focuses on large timber sales and that there are only a few small mills left. It would be useful if the JDSF sold logs that were in truckloads at the same price that the big companies get them. He indicated that it would be helpful to get some good redwood logs.

Mr. Vince Taylor provided a handout and commented that CDF should include citizens in its efforts. He noted that there had been no response to CDF's presentation on late serial by the Board. He believes that JDSF is nothing but a revenue source for CDF. He commented that the citizens of California and the U.S. hold redwoods to be very special. He said that the Board has the authority to do something about it and urged the Board to listen to the people and to follow through with its responsibility.

Mr. Greg Jirak, JDSF Citizens Advisory Committee, provided background on the Committee. He commented that on January 16, 2003, a group of 40 people got together to discuss JDSF. They would like to offer their help to CDF in a productive and meaningful way.

PRESENTATION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE WATER RESOURCES CONTROL BOARD, DESIGNATED REGIONAL WATER QUALITY CONTROL BOARDS, AND THE DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Mr. Ross Johnson, Deputy Director for Resource Management, referred to the draft MOU in the Board's binder and provided some background. He noted that CDF has been working with the State Water Board staff and their attorney in drafting the MOU with input from the Regional Boards. The Office of Administrative Law (OAL) reviewed the document looking for underground regulations. The Department is considering whether or not the Board needs to sign on the MOU. He referred to the existing Management Agency Agreement (MAA). This is for a bigger audience designed to provide a better understanding of what goes on.

Chairman Dixon wanted to know about the timeline for getting the Department to sign off on the document.

Mr. Johnson indicated that there was no timeline. However, the State Water Board would like to get it done, so the Department is working to that end. He indicated that it might take a while to get the Regional Boards to sign off.

Chairman Dixon asked that the Department keep the Board informed.

Mr. Heald expressed concerns and commented that it is important that the Board be briefed regarding policy issues on a monthly basis.

Mr. Johnson wanted to know if the Board was requesting that the Department provide briefing every month.

Chairman Dixon commented that he believes it appropriate.

Mr. Ryneason commented on several sections of the draft MOU offering suggestions for clarification.

Mr. Heald wanted to know if the Department had addressed digital format submissions.

Mr. Johnson indicated that it was something the Department was considering. He commented that the Department would report back to the Board next month.

Chairman Dixon reminded the Department that the Board would like to be a party to the twelve-month evaluation.

Mr. Johnson commented that there is a liaison committee that should meet yearly, but has not met for some time. He believes that one of those meetings should be initiated soon.

Mr. Marckwald wanted to know who is the lead for SWRCB.

Mr. Johnson commented that it was Tom Howard.

Mr. Marckwald wanted to know if the SWRCB was holding things up.

Mr. Johnson said that they were, but the Department was also holding it up while waiting for OAL's comments.

Mr. Richard Gienger believes that it would be beneficial to see how each of the signatories view this document and how it will function. He wanted to know what the problems with the cumulative effects section were.

Mr. Johnson commented that OAL says that the document is going beyond the current regulations. It may be better to take the cumulative section out.

Mr. Bernie Bush, Simpson Timber Company, commented that the draft MOU was first aired last fall at a water board meeting. He believes that the document has some real policy implications and is glad to know that it is going through the OAL.

CONTINUED DISCUSSION OF THE BOARD'S MARCH AND APRIL 2002 TIMBER HARVESTING PLAN SUBMISSION AND REVIEW WORKSHOPS, INCLUDING THE IDENTIFICATION AND PRIORITIZATION OF OPPORTUNITIES TO IMPROVE THE PROCESS, AS WELL AS REDUCE THP PROCESSING TIMES, WITHIN STATUTORY REQUIREMENTS

Mr. O'Dell indicated that there were six items that came from the workshop. He commented that they discussed these ideas with the Department as a sounding board. There is a complexity in the process and seems to be tension amongst agency personnel and applicants. The Department and the agencies need to work together. The complexity of the filing standards process was brought up as an issue. He believes that there is a need for some cultural change and mutual agreement in an effort to get along with each other. Time management is another concern due to the costliness of process delays. There was some discussion regarding cross training and a need to reach out and educate. There is a need to have a common language and understanding of what the California Environmental Quality Act (CEQA) covers. He suggested that CDF's Chief Counsel, Norm Hill, be a part of a workshop or meeting as the expert on CEQA. Common language is necessary; a vocabulary everyone understands. There is a need to understand the application of CEQA in terms of forest practice. He requested that the Department bring back suggestions on how to better frame some of these issues. It will be necessary to follow through, whatever efforts are made, to completion. He believes that some of these issues could be accomplished this year. He provided some examples for the Board.

Mr. Marckwald commented that some of the issues are honest disagreements and believes that the Board would not weigh in on those unless it was a policy issue. He believes that there is a "creative tension" on filing standards between RPFs, wanting to get their plans filed and the clock running; and CDF believing that if there problems that are non-filing issues, but will be an issue down the road. CDF has been inclined to give those signals early in the process. This is an issue that will be discussed in committee once they have been formed.

Chairman Dixon expressed his appreciation to Members O'Dell and Marckwald for their efforts.

Mr. Warren Alford, Sierra Club, commented that there has already been a lot of progress. He believes that THPs should become thinner and better. He wanted to be sure that CEQA, relative to cumulative water effects, and the Dunne Report are addressed. He suggested that the UC Extension and CDF be involved in the training aspect.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL (CFPC)

There was no report this month.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Mr. Jeff Stephens, Executive Secretary to RMAC, deferred to Member Bosetti's report.

MONITORING STUDY GROUP (MSG)

Mr. O'Dell reported that there is a noticed meeting scheduled for February 10 and 11, 2003, in Howard Forest. He noted that THP monitoring is on that agenda and that it would be a working-group meeting.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. George Gentry, Executive Officer for Licensing, referred to the Board's binder and the RPF vital statistics. He noted that Dennis Dudley, CRM 82 had met all of the requirements for CRM Certification and asked for Board approval.

03-02-3 Mr. Heald moved to accept, as a newly Certified Rangeland Manager, Dennis Dudley, CRM 82. Mr. Rynearson seconded the motion, and all were in favor.

Mr. Gentry then noted the passing of Dave Young, RPF 80; and William Reeves, RPF 1632.

APPOINTMENTS TO THE RANGE MANAGEMENT ADVISORY COMMITTEE

Mr. Jeff Stephens, CDF, Executive Secretary to RMAC, commented that there were four candidates for consideration. He read their names with term expiration dates into the record: Lennart Lindstrand, Jr., 2004; Charles Pritchard, 2005; Robert Rutherford, 2005; and Steve Hackett, 2007.

03-02-4 Mr. Rynearson moved to approve the reappointments of the aforementioned RMAC members. Mr. Bosetti seconded the motion, and all were in favor.

PRESENTATION OF THE ANNUAL REPORT TO THE STATE BOARD OF FORESTRY AND FIRE PROTECTION ON THE DEPARTMENT'S VEGETATION MANAGEMENT PROGRAM

Mr. Jeff Stephens, CDF, Vegetation Management Program (VMP), referred to the 2001-02 Annual Report of the VMP program located in the Board's packet and provided a summary of that report for the members. He commented that the first six pages of the report contain standard information. However, beginning on page seven "Unit and County Reports" is the narrative on VMP activity and additional activities and projects. The intent being to capture as much of this type of information as possible within a single document that demonstrates the scope and amount of work being conducted with the units and contract counties. He then reviewed the report for the Board. He commented that the prior fiscal year accomplishments are in tables A and B on pages 5 and 6. Some types of projects and project objectives include; shaded fuel breaks, range improvement burns to enhance forage for livestock and the control of noxious weeds, vegetation type conversion, encourage native plants for Native Americans, and basket weaving. Other project types and objectives directly related to treatment by prescribed fire

would include; evacuation plans for communities, grant funded outreach and education programs, emergency access and escape routes, training for fire crews that have not experienced real fire conditions, and neighborhood defensible space projects. Possible environmental impacts or impacts to local populations from prescribed fire are; smoke impacts, federal and state listed threatened and endangered species from prescribed fire, archeological resources, and the ever present risk of escapes. The cooperators in funding and work on the ground are private landowners; the Nature Conservancy, the Department of Parks and Recreation, City and County Fire Departments, Bureau of Reclamation, USFS, BLM, NRCS, Fire Safe Councils, Resource Conservation Districts, County Parks Departments, Department of Fish and Game, Community Services Districts, U.S. Army Corps of Engineers, and location CRMPs. He reviewed the VMP priorities for the coming year and the program needs for future years with the Board.

REPORT OF INTERIM, RESOURCE PROTECTION, AND AD HOC WATERSHED COMMITTEES

RESOURCE PROTECTION COMMITTEE

Mr. Bosetti commented that the Unit Chiefs reviewed their reports for the Committee and noted that copies of those reports are in the Board's binder. The Department reported that the Federal Government plans to move four air tankers from California. Next month there will be a report on the labor union contract and its effect on the Contract County Agreements already in place. There was an update from a representative of the Statewide Fire Safe Council on their efforts. There was some discussion regarding the budget letter requesting that advisory committee meetings be limited to one annually. He announced that RMAC is participating in a range conservation workshop next month. There was a brief discussion on the Cooperative Agreements portion of the Board's Fire Protection Policy. That discussion will continue next month.

INTERIM COMMITTEE

Mr. Heald reported that the Committee received a presentation from the Watercourse Identification Committee. This is a group on watercourse classification. The Committee appreciated the report and organized format.

AD HOC WATERSHED COMMITTEE

Mr. Rynearson reported that the Committee reviewed three items. There was a presentation from the inter-agency Road Rules Task Force presented by CDF. The Road Rules package will be driven by the package that the Board reviewed last year. There will be input from the other agencies including the Department of Fish and Game. There will be some field trips with the inter-agency group and a report back to the Board in April. Next the Committee discussed the Road Management Plan. There were concerns expressed that there is a need for some kind of incentive within the Plan. There was also concern expressed that there will be some reduced values and certainties regarding the costs of preparing a roads management plan. There was a recommendation to utilize the Road Management Plan to help develop some regulatory certainty. Perhaps going to the Water Board to see if the Committee could work with the Regional Boards in the development of a package to address the TMDL with water quality issues. There was a suggestion that the Committee talk to the National Marine Fisheries Service (NMFS) regarding a partial 4 (d) rule specific to sediment related to roads, landings, and stream crossings. The recommendation is that these items go to the full Board for discussion and direction before going forward to the other agencies. The Committee received a presentation from the North Coast Regional Water Quality Control Board (NCRWQCB) outlining its December 10, 2002, action taken approving the interim waiver for a one-year period. That waiver addressed over 1300 THPs, 30 THPs did not receive waivers because they did not meet the criteria. At their January 24, 2003, meeting NTMPs were issued waivers. There is no additional paperwork needed for NTMPs to be eligible for the waiver. THPs were also issued waivers, however, the Regional Board must receive a copy of the THP and the Notice of Intent in order to be eligible. The waiver is for one year and will expire on December 10, 2003. The Board can expect to receive, in March or April, a petition from the NCRWQCB to list the five drainages on Pacific Lumber lands as potential candidates for nomination as sensitive watersheds.

Mr. Rynearson commented that the Committee is seeking direction from the Board as to whether it is in agreement to go forward to make contact with the Regional Boards as to whether or not an agreement to work together can be reached in the development of a road management plan that would address the TMDL issues

related to roads, landings, and their crossings. The Committee wants direction with its request to go to the NMFS to try and get a 4 (d) rule to address road-related sediment issues. Also, to go to the DFG regarding the standards for their Coho recovery that will be coming up this year.

Chairman Dixon wanted to know how the Committee wanted the Board to proceed.

Mr. Rynearson commented that the Committee did not discuss a way for the Board to address the issue. He suggested a letter from the Board's Chairman addressed to chairmen of the various boards requesting that they provide staff and representatives to meet in an effort to address these items.

Mr. Heald noted that the NCRWQCB representatives and the NMFS representatives and representatives from the DFG have already drafted a roads management plan as part of the Stewardship NTMP (SNTMP) proposal. That would be something that the *Ad Hoc* Committee could work off of. He commented that it is a staff working document.

Mr. Rynearson commented that the document Member Heald referred to was an attempt to achieve a 4 (d) rule with NMFS and was not directed at TMDL.

Mr. Heald commented that NCRWQCB participated with the expressed intent to having it suitable for further TMDLs as a vehicle that would be favorably looked upon in the process of the development of future TMDLs.

Mr. Rynearson concurred with Member Heald. However, he believes that it is important that this Board communicate with Regional Boards its intent to try and develop some type of programmatic road management plan approach that addresses the TMDLs that are already formulated.

Chairman Dixon believes that it would be good to use as a beginning model.

Mr. Heald commented that it would give the Committee something to get started on at its next meeting.

Mr. Rynearson suggested that letters be sent to the three Regional Boards as well as NMFS and cc'd to the respective Executive Officers to open dialog and get feedback.

Ms. Britting suggested that the DFG be included in the letters to be sent.

Mr. O'Dell believes that the existing document could be used as a working model and that those who worked on the original document should be notified of the Board's intent to work on it. Those people should be put on notice that the Board intends to go forward. He believes that some kind of notification is a good idea.

There was some further discussion.

Chairman Dixon asked Member Rynearson and the Executive Officer to draft a letter for Committee approval and then send it.

Mr. Marckwald commented that it was a good idea to send the letter. He then echoed Member O'Dell's Comments to use the existing document as a starting point.

Mr. Rynearson commented that the working committee for SNTMP and the Stewardship Committee are clear that their document would only be a platform from which to work.

Chairman Dixon commented that yesterday during the Board discussion regarding its priorities there was some discussion involving Board travel and meetings and the budget. It has since come to his attention that the Governor has asked that all agencies and departments reduce their in-state travel budget by 35 percent. Mr. Sendek will find out how the Department is going to treat this. He indicated that the Board's travel is in limbo until it hears from the Department. Also, yesterday, he asked that the Board put on its priority list early discussions for old growth, clear-cutting, and the reduction of oak woodlands issues. He reminded the Board that he had asked Member Marckwald to draft a motion. He then asked Member Marckwald to read that motion into the record.

03-02-5 Mr. Marckwald moved to direct the Department to provide the Board, before its next meeting, background materials especially maps, graphs, and other analyses on several items that may be the subject of additional policy development or rulemaking.

- (1) A factual assessment of:
 - (a) The current trends and cumulative acres that have been harvested by clearcutting or similar prescriptions;
 - (b) a discussion of expected future trends of elaborating, based on any long-term planning documents filed with the Department;
 - (c) the issues and concerns raised by the public who have commented on these practices; and
 - (d) an assessment by FRAP of the economic, social and biological implications of potential policy changes, as well as any recommendations how the Board might best address issues raised and a description of any information gaps that need to be filled
- (2) A factual assessment of the issues surrounding oak woodlands and oak retention, including trends in conversions in various regions and any actions taken by counties to address oak woodland conversion and recommendations for potential policy or regulatory actions that the Board should consider.
- (3) A factual assessment of issues and trends with respect to old growth as well as recommendations for potential policy or regulatory actions that the Board should consider.
- (4) The Board further directs the Department to report back at the March meeting any specific recommendation or changes that the Board should incorporate as it considers the extension of the Interim Threatened and Impaired Watershed Rules and the Interim Watershed Mitigation Addendum.

The motion also directs the Executive Officer to contact the Integrated Hardwood Range Assessment Program at UC Berkeley for their perspective on trends and challenges to oak woodland protection and retention, as well as any recommendations they might have for policy or regulatory actions.

Chairman Dixon asked for Board discussion.

Ms. Britting wanted to know if the old growth section included the issues of second growth or high quality mature areas that are not yet old growth.

Chairman Dixon commented that he thought that the information coming from FRAP would include some statistical data and then the Board will discuss it. This is only the beginning of the discussions.

Mr. O'Dell commented that there is no action in this motion, only an assimilation of background for Board discussion. This will largely set the Board's agenda for the remainder of the year.

Mr. Ryneerson wanted information included in the oak retention section that is specifically developed by counties for oak management issues.

Ms. Britting requested that the Department identify information gaps and how they could be filled. This would be helpful.

Mr. Heald commented that the information gaps are very important to identify.

Mr. Ryneerson suggested that the Department's FRAP unit provide the Board with other non-regulatory programs, which may be out there.

Mr. Marckwald commented that there are no limitations in coming back on policy recommendations or rulemaking.

Mr. Heald believes that it is important that the Board look to the resources that the Department has so that the serious economic, social, and biological implications of changing or developing policy get a full background that the Board can use in its deliberations.

Mr. Heald seconded the motion, and all were in favor.

Chairman Dixon commented that he understands the magnitude of the requests and that it is putting a burden on the Department, but it is one that the Board and the Legislature and others share.

Public Comment

Mr. Mark Rentz, California Forestry Association (CFA), believes that the interpretation of the action the Board just took is a little different than what he heard in the motion. He expressed concern regarding the motion seeking recommendations from the Department. He believes that it may set the direction for policy-making before the background information is brought to the Board.

Chairman Dixon commented that he understands those concerns, but he is comfortable with the motion as it stands.

Mr. Richard Gienger commented that he was hoping the Board would include in its motion the electronic finding issue.

Chairman Dixon commented that that was an issue that will be addressed later in the year.

PUBLIC FORUM

Mr. Mark Rentz, California Forestry Association (CFA), referred to the Board's agenda item nine and commented that CFA is concerned about the fact that there was no mention of what the Board has accomplished. He suggested that the Board's Executive Officer include the accomplishments of the Board. He believes that legal decisions have backed up the Board's process. He provided the Board with a copy of a report from the California Geological Survey regarding TMDLs and refuted their analysis.

Ms. Trinda Bedrosian, California Geological Survey (CGS), provided a copy of the "Review of July 2002 EPA Analysis of Impacts of Timberland Management on Water Quality" and reviewed it for the Board. She then reported on the CGS current activities. She noted that the PHI reports are posted on their website. She reported that in November there was a two-day workshop with the U.S. Forest Service. That workshop focused on terminology and identifying and prioritizing issues. There will be a follow-up meeting in April 2003. The State Mines and Geology and the Technical Advisory Committee (TAC) evaluation of the methodology used by Palco and the NCRWQCB and their findings are available.

Mr. Robert Di Perna, EPIC, thanked Chairman Dixon for bringing forth the issues raised by the Legislature. These are very important issues. He also thanked the Board for the discussion of its priorities. EPIC believes that some of the language in the Threatened and Impaired rules is not clear, specifically in §916.9(c). He believes that the herbicide issues needs to be addressed.

Mr. Arne Hultgren, California Licensed Foresters Association (CLFA), believes that it would be worthwhile to look at the rulemaking process itself. He applauds the efforts of the THP workshop, but believes that there are problem areas with the narrative content. CLFA has taken a leadership role in the plan review process by conducting two workshops on assessments and the CEQA process. They are looking at putting on an advanced workshop focusing on cumulative effects. He commented that the Board should work on the herbicides issue before someone else does.

Mr. Bill Key, CLFA Government Affairs Specialist, provided his background for the Board and commented that he is looking forward to becoming familiar with the issues facing the Board and getting to meet each of the members individually.

Ms. Traci Thiele, Humboldt Watershed Council, expressed concerns over the article on the Van Duzen watershed in the Federal Report. She provided the Board with a handout and quoted from it. She also provided a copy of a letter addressed to the Senate Committee on Natural Resources and Wildlife regarding old growth. She then quoted from another letter regarding state parks. She believes that not enough redwoods are being protected.

Mr. Dan Weldon, Forest Landowners of California (FLOC), asked that the Board make the NTMPs viable tools again. FLOC has formed a task force and wants to get this issue out there. He requested that the Board allow FLOC a half hour on its agenda in the future to discuss this item.

Mr. Marckwald commented that he believes it would be valuable to hear that presentation.

Mr. Richard Gienger provided a set of pictures showing comparisons of Bear Creek over the years and reviewed them for the Board. He believes that there is a need for an inter-agency team to evaluate Bear Creek and take corrective measures. Due to the storms this season, he believes that evaluation is more important than ever. He commented that the SRP report on thresholds over time is still incomplete. He urged the Board to look at the new SRP report.

Mr. Warren Alford, Sierra Club, expressed concern over the lack of action on six watersheds including the one on SPI land in the Sierra Nevada. He commented that watersheds are being clearcut at a rate of eight to ten percent a year. The State Water Board is saying that it does not have sufficient staff to review all the plans. He suggested that there is a need to develop greater cooperation and that this Board could take an active role.

REPORT OF THE EXECUTIVE OFFICER

Mr. Daniel Sendek, Executive Officer for the Board, announced that since the January mailing asking for people wishing to remain on the Board mailing lists send in the request by then end of the month, the list has been reduced by 70 percent. He reported that the Board's web address has been changed to www.bof.fire.ca.gov.

Mr. Sendek commented that he has been in contact with his counterpart at the State Water Board and they are committed to meeting with the Board in Sonoma during its June meeting regarding watershed-monitoring efforts. He then reported on Legislation for the Board.

Mr. Sendek announced that the Regional Forester, Jack Blackwell, would address the Board next month.

NEW AND UNFINISHED BUSINESS

Mr. Gary Rynearson commented that he and John Corbett from the North Coast Regional Water Control Board attended a second review meeting in Fortuna.

ADJOURNMENT

Chairman Dixon adjourned the February 2003 meeting of the Board.

Respectfully submitted,

ATTEST:

Daniel R. Sendek
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.